

Honorable Marsha J. Pechman

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
BY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

PAUL ASCHERL,

Plaintiff,

vs.

CITY OF ISSAQUAH,

Defendant.

Case No. 2:11-cv-01298

CONSENT ORDER

Final Resolution of this matter and controversy has been settled by and between the parties, and accepted by the Court, as reflected herein.

IT IS on this 14 day of October, 2011, ORDERED AND
ADJUDGED AS FOLLOWS:

1. This Court hereby declares that Issaquah City Code § 5.40.040 was unconstitutionally applied to Paul Ascherl so as to prevent his expressive activities on October 2, 2010.



11-CV-01298-ORD

PARTIES' CONSENT ORDER-1
(Case No. 2:11-cv-01298-MJP)

Alliance Defense Fund
699 Oakleaf Ofc. Ln., Suite 107
Memphis, TN 38117
Tel. 901-684-5485


1 2. This Court hereby enjoins Defendant and its agents from applying Issaquah City
2 Code § 5.40.040 so as to prevent Paul Ascherl and other third-party speakers from engaging in
3 literature distribution in traditional public fora during future Salmon Days Festivals.

4 3. Defendant shall pay Plaintiff the amount of \$1.00 as nominal damages within 30
5 days of the date this Order is signed. Defendant shall also pay reasonable attorney fees and
6 litigation costs to Plaintiff's attorneys. The parties will attempt to negotiate the exact figure
7 which the Defendant will pay Plaintiff's attorneys for their fees and costs. However, if the parties
8 are unable to come to an agreement regarding fees and costs, Plaintiff will have up to 30 days
9 after the date this Order is signed in which to petition the Court for attorney fees and costs, and
10 the Court will determine the amount of reasonable attorney fees and costs to be awarded to
11 Plaintiff's attorneys according to 42 U.S.C. §1988 and Federal Rule of Civil Procedure 54.
12

13 4. Upon payment of the amounts set forth above, all remaining claims are dismissed
14 with prejudice, provided that the Court retains jurisdiction of this case solely to enforce the terms
15 of this consent judgment.
16

17 SO ORDERED this 14 day of Oct., 2011.

18
19 BY THE COURT:

20
21 
22 MARSHA J. PECHMAN
23 United States District Judge

WE HEREBY CONSENT TO THE FORM
AND ENTRY OF THE ABOVE ORDER:

Respectfully submitted this 11th day of October, 2011.

s/ Nathan W. Kellum
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 11th, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Wayne D. Tanaka, Michael Charles Walter and Gary C. Bergan

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: none.

s/ Nathan W. Kellum